

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 325**

January 22, 2021

**SUMMARY OF BILL:** Repeals current Electronic Monitoring Indigency Fund and its two internal accounts.

Creates a fund known as the DUI Monitoring Indigency Fund (DUIMIF) within the Department of Treasury for costs associated with the lease, purchase, installation, removal, and maintenance of ignition interlock devices for persons determined by the court to be indigent.

Creates a fund known as the Electronic Monitoring Indigency Fund (EMIF) within the Department of Finance and Administration, Office of Criminal Justice Programs (OCJP) for costs associated with the use of a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device for persons determined by the court to be indigent.

Authorizes local governments to participate in the EMIF by having the costs for eligible devices paid from the Fund for each local government's indigent defendants by passing a resolution indicating the maximum liability that the local government commits to its participation. Requires the state to provide funds matching each local government's maximum liability, or budgeted amount, subject to an appropriation by the state. Requires a participating local government to pay half the costs associated with non-interlock monitoring devices for indigent defendants within the local government's jurisdiction and the state will pay the remaining half.

Requires the director of the OCJP to develop a model request for proposals (RFP) for use by a participating city or county in determining with which providers of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices to contract. Requires that a participating city or county that chooses to deviate from the RFP process complete a waiver request.

Requires, beginning on July 1, 2022, and annually thereafter, the director of the OCJP to conduct an analysis to determine the solvency of the EMIF.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact - A precise impact to the Department of Treasury and the Department of Finance and Administration cannot reasonably be determined; however, any fiscal impact will be experienced as an equal and corresponding shift in funding between the two state government entities. The net impact to state government is not significant.**

Assumptions:

- Pursuant to Tenn. Code Ann. § 55-10-419(a)(1)(A), a fund, divided into two separate accounts under the Department of Treasury, shall be used to pay for the costs associated with the lease, purchase, installation, removal, and maintenance of ignition interlock devices or with any other cost or fee associated with a functioning ignition interlock device and the costs associated with the use of a transdermal monitoring device other alternative alcohol or drug monitoring device for persons deemed by the court to be indigent is divided in order to separately fund ignition interlock devices and transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or a global positioning monitoring devices.
- Further, under Public Chapter 505 (2019), which went into effect July 1, 2019, each local government is authorized to participate in the EMIF by having the costs for eligible devices paid from the EMIF for each local government's indigent defendants.
- Each participating local government pays 50 percent of the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices for indigent defendants within the local government's jurisdiction, and the state will match the local government's cost by providing the remaining 50 percent share of funding.
- It is currently unknown how many local governments partake in this program. However, as this legislation does not impact the percentage rates in which participating local governments contribute, it is reasoned that there will not be a significant increase or decrease in total participation. Therefore, there will not be a significant fiscal impact to state or local governments.
- It is assumed the existing Department of Treasury staff and budget that was allocated to handle the transdermal monitoring device, other alternative alcohol or drug monitoring device, or a global positioning monitoring device account will be transferred to the OCJP to handle the EMIF. No alterations to retirement, benefit, or salary structures for staff members are anticipated.
- Any additional work to the OCJP to develop a model RFP and analyze solvency of the EMIF can be accomplished with existing personnel and resources.
- As the Department of Treasury and the Department of Finance and Administration expenditures will offset, the overall net impact to state expenditures is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Bojan Savic, Interim Executive Director

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